

3
NO. 86-1324

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1986

IN THE MATTER OF
LAVOYD WAYNE HARDIN,
a/k/a "BILL HARDIN" DEBTOR,

LAVOYD WAYNE HARDIN,
a/k/a "BILL HARDIN",

PETITIONER.

VERSUS

CLIFFORD F. McMASTER, TRUSTEE

RESPONDENT.

ON WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE
FIFTH CIRCUIT

EXHIBITS DESIGNATED FOR INCLUSION IN
RESPONDENT'S BRIEF IN OPPOSITION

JOSEPH W. COLVIN
GILBERT & COLVIN
1035 INTERFIRST TOWER
801 CHERRY STREET
FORT WORTH, TEXAS 76102
(817)336-7883

ATTORNEYS FOR RESPONDENT,
CLIFFORD F. McMASTER, TRUSTEE

6814

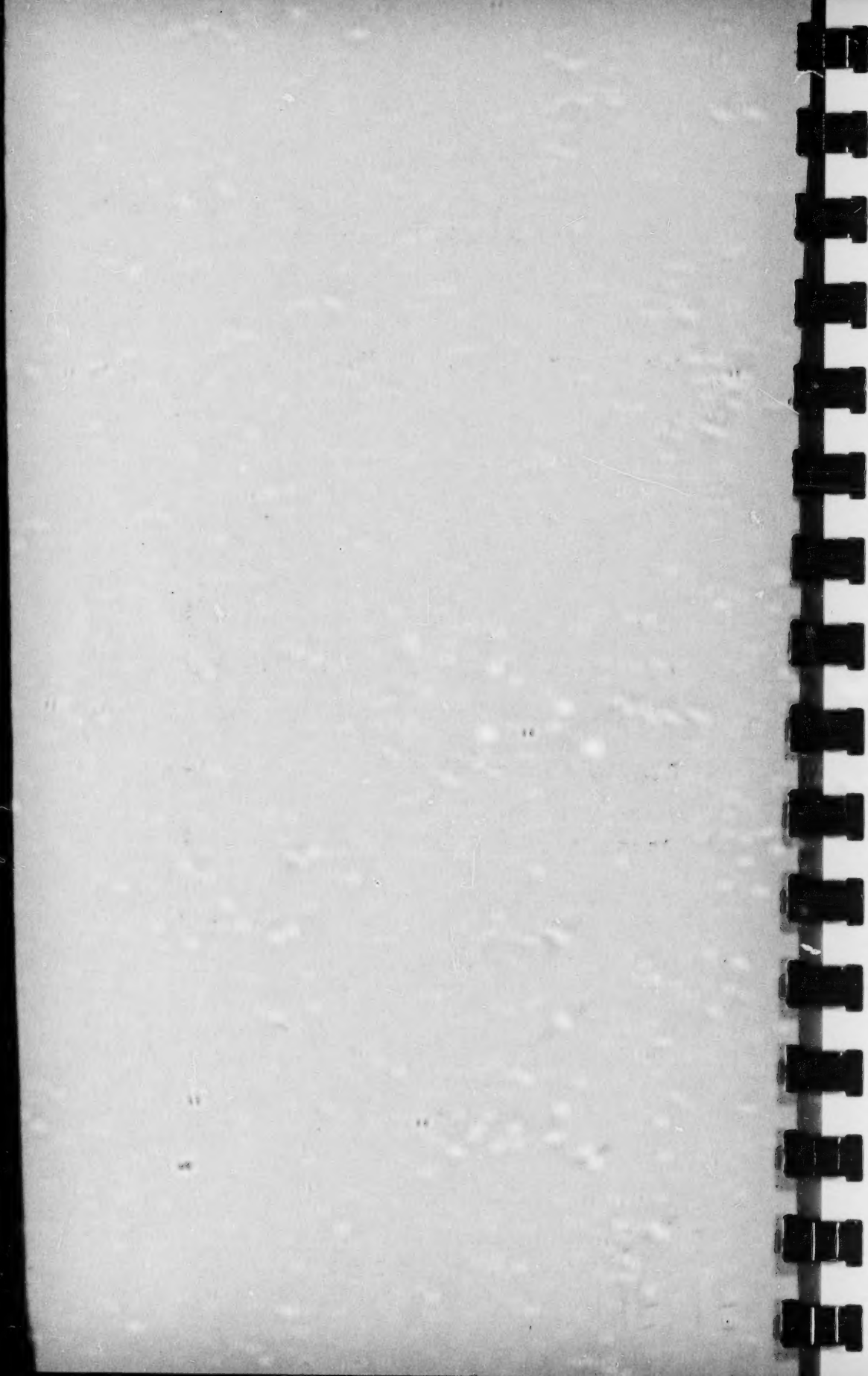


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IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

NO. 84-1037
Summary Calendar

IN THE MATTER OF LAVOID WAYNE HARDIN
A/K/A "BILL HARDIN", DEBTOR.

JOAN MURLE HARDIN,

Plaintiff-Appellee,

VERSUS

LAVOID WAYNE HARDIN
A/K/A "BILL HARDIN",

Defendant-Appellant.

Appeal from the United States District
court for the Northern District of Texas

(August 22, 1984)

Before JOHNSON, GEE and DAVIS, Circuit
Judges.

PER CURIAM:

The opinion of the district court in
this case is AFFIRMED. See Local Rule
47.6.

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 84-1250

IN THE MATTER OF: LAVOYD WAYNE "BILL"
HARDIN
Debtor,
CLIFFORD F. MCMASTER,
Trustee
Plaintiff-Appellee,
versus
LAVOYD WAYNE "BILL"
HARDIN and J. A.
HARDIN,
Defendants-Appellants.

Appeal from the United States District Court
for the Northern District of Texas

CLERK'S OFFICE:

Pursuant to Local Rule 42.3, the
appeal was duly entered dismissed for
want of prosecution for failure of
APPELLANTS TO FILE THEIR BRIEFS within
the time fixed by the rules, this 24th
day of May, 1984.

GILBERT F. GANUCHEAU
Clerk of the United States
Court of Appeals for the
Fifth Circuit

By: _____
Deputy Clerk
FOR THE COURT - BY DIRECTION

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 84-1396
Summary Calendar

IN THE MATTER OF: LAVOYD WAYNE "BILL"
HARDIN,
Debtor.

LAVOYD WAYNE "BILL" HARDIN,
Plaintiff-Appellant,
versus

CLIFFORD F. McMASTER,
Defendant-Appellee.

Appeal from the United States District
Court for the Northern District of Texas
(September 26, 1984)

Before CLARK, Chief Judge, RUBIN and
GARWOOD, Circuit Judges.

PER CURIAM:

Appellant Lavoyd Wayne "Bill" Hardin
("Bill Hardin") appeals the district
court's order of April 24, 1984 affirming
the bankruptcy court's order of March 9,
1984 which, on application of Clifford F.
McMaster, Trustee of the Lavoyd Wayne Hardin

*Local Rule 47.5 provides: "The
publication of opinions that have of pre-
cedential value and merely decide par-
ticular cases on the basis of
well-settled principles of law imposes
needless expense on the public and bur-
dens on the legal profession." Pursuant
to that Rule, the Court has determined
that this opinion should not be
published.

Bankruptcy Estate (the "Trustee"), did the following: (1) declared null and void the August 24, 1983 assignment by Bill Hardin to J. A. Hardin of Bill Hardin's interest, as purchaser under a September 20, 1955 Texas Veteran's Land Board contract, in a certain 154.3-acre tract of land and the consequent January 6, 1984 deed of such land from the Veteran's Land Board to J. A. Hardin as assignee of the purchaser in such contract; and (2) ordered J. A. Hardin to deed such 154.3-acre tract to the Trustee.

On October 31, 1980 Bill Hardin filed for bankruptcy under Chapter 13. One of the assets scheduled by Bill Hardin was his interest, as purchaser under the referenced Veteran's Land Board contract, in the mentioned 154.3-acre

tract. On June 16, 1982 the bankruptcy court converted the proceeding to one under Chapter 7. On October 13, 1982 the bankruptcy court denied Bill Hardin's motion to convert the proceeding to one under Chapter 11, and on October 27, 1982 the bankruptcy court ruled that Bill Hardin could not claim the 154.3 acres as his homestead. Bill Hardin appealed the referenced October 13, 1982 and October 27, 1982 bankruptcy court orders to the district court, those two proceedings were consolidated before the district court, and on November 30, 1983 the district court in all things affirmed these orders of the bankruptcy court. Bill Hardin appealed to this Court, which affirmed without opinion on August 22, 1984. Joan Murle Hardin v. Lavoyd Wayne Hardin, No. 84-1037.

As noted, Bill Hardin conveyed his interest in the 154.3-acre tract to J. A. Hardin on August 24, 1983, and on January 6, 1984 the Veteran's Land Board deeded the property to J. A. Hardin. After notice and hearing, the bankruptcy court on March 9, 1984 declared void both the August 24, 1983 assignment to J. A. Hardin and the January 6, 1984 deed to him, and likewise ordered J. A. Hardin to convey the 154.3 acres to the Trustee.

According to appellee, the district court on March 9, 1984 ordered J. A. Hardin to execute the deed or appear at a March 20, 1984 hearing to show cause why he should not be held in contempt; appellee also advises that Bill Hardin attempted to appeal the March 9, 1984 district court show cause order to this Court, where the appeal was docketed as

our No. 84-1250 but was dismissed May 24, 1984 for failure of appellants to file briefs.

Appellee, the Trustee, likewise states that on March 14, 1984 J. A. Hardin conveyed the 154.3 acres to the Trustee. Appellant essentially confirms this in his brief. The Trustee likewise states that the Veteran's Land Board has since March 9, 1984 given the Trustee a deed to the 154.3 acres and that the Trustee sold such land pursuant to court order on April 5, 1984.

On April 24, 1984 the district court, on appellant's appeal, affirmed the bankruptcy court's March 9, 1984 order.

Appellant's only point on appeal is that the 154.3 acres was his homestead and that the proceedings were not properly under Chapter 7. Neither contention

appears to have any merit, and both were necessarily resolved against appellant in our above-referenced cause No. 84-1037. Under 11 U.S.C. §§ 521(3), 541(a)(1), and 549, the bankruptcy court's March 9, 1984 order, and the district court's April 24, 1984 order affirming it, would therefore appear to be proper. However, in any event, particularly in light of this Court's affirmance in No. 84-1037 and dismissal of appeal in No. 84-1250, the appeal must be dismissed because appellant, having transferred his interest to J. A. Hardin, has no standing, and subsequent to the complained of March 9, 1984 order, J. A. Hardin has deeded the property to the Trustee, thus mooting the controversy. Hence, appellee's motion to dismiss the appeal should be granted.

Therefore, the appeal is DISMISSED.

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 84-1614
Summary Calendar

In the Matter of: LAVOYD WAYNE "BILL"
HARDIN, Debtor

LAVOYD WAYNE "BILL" HARDIN,

Plaintiff-Appellant,

versus

CLIFFORD L. McMASTER, Trustee,

Defendant-Appellee.

Appeal from the United States District
Court for the Northern District of Texas

(December 20, 1984)
Before WILLIAMS, JOLLY, and HILL, Circuit
Judges.

PER CURIAM.*

* Local Rule 47.5 provides: "The publica-
tion of opinions that have no precedential
value and merely decide particular cases
on the basis of well-settled principles
of law imposes needless expenses on the
public and burdens on the legal
profession." Pursuant to that Rule, the
court has determined that this opinion
should not be published.

In this appeal appellant, Lavoyd Wayne "Bill" Hardin, is challenging the distribution of proceeds from the sale of 154 acres of land by the trustee in bankruptcy. Particular objection is made to recognition of his divorced wife's secured claim of \$52,048.99.

At the time appellant and his wife divorced, he purchase his wife's community interest in the 154 acres. After one year's payment on the note, no further payments were made. His former wife brought suit in the courts of Texas to accelerate the note and obtained a judgment in the Supreme Court of the State of Texas ordering a sheriff's sale. Because of the bankruptcy, the sale did not take place until the May 1984, sale by the trustee in bankruptcy.

Appellant without any supporting information charges bias and prejudice on

the part of the federal court, and undertakes to challenge the validity of the Texas Supreme Court judgment obtained by his former wife recognizing the lien on the property and accelerating the note. Hardin v. Hardin, 597 S.W.2d 347 (Tex. 1980). Appellant cannot obtain review of that decision in this Court. No colorable constitutional due process claims are stated.

Finally, appellant's claim that he did not receive proper notice under the Bankruptcy Code for the hearing in which the disbursement satisfying the secured claim of his former wife was ordered is negated by the record. Adequate attempts to serve him under the Code were made, and his former attorney was present at the hearing.

The order of this district court states, "The Court is well aware of the

history of appellant's bankruptcy proceedings and his intransigent behavior, which has resulted in numerous delays in several previous appeals to this Court." The accuracy of this statement is well supported by the record in this case. The appeal is frivolous in every respect. The order of the district court upholding the order of the bankruptcy judge providing for disbursements of the proceeds of the sale of the 154 acres of land under Chapter VII of the Bankruptcy Code is affirmed.

AFFIRMED.

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 84-1615
Summary Calendar

In the Matter of: LAVOYD WAYNE "BILL"
HARDIN, Debtor.

LAVOYD WAYNE "BILL" HARDIN,

Plaintiff-Appellant,

versus

JAMES ROBERT ARTHUR,

Defendant-Appellee.

Appeal from the United States District
Court for the Northern District of Texas

(December 20, 1984)

Before WILLIAMS, JOLLY, and HILL,
Circuit Judges.

PER CURIAM:*

*Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the court has determined that this opinion should not be published.

Appellant, Lavoyd Wayne "Bill"

Hardin brought this appeal from an order entered by the bankruptcy court enjoining him from "coming upon, trespassing upon, or otherwise exercising control" over 154 acres of land which he had owned and which had been sold in a bankruptcy sale. Appellant had appealed to this Court for the conversion of his case from Chapter XIII to Chapter VII of the Bankruptcy Code, and he also claims that the bankruptcy court abused its discretion by moving ahead to trial in this matter because of the appeal to the Fifth Circuit of the validity of the trustee's appointment and subsequent conveyance of the real estate. The nature of the appeals to this Court is not clear from the record. Without the slightest informational support, appellant also claims

that he has been "framed", that the trustee in bankruptcy had "lied", and that the bankruptcy court was "harassing" appellant by going ahead with the hearing in the case.

The simple facts are that in the bankruptcy proceeding appellant could not claim these 154 acres as his homestead because his home in DeLeon was his homestead. After the sale appellant entered on the property and planted a crop of alfalfa, and harassed the purchaser of the property who had obtained it in the court-ordered sale. He further admitted to cutting the owner's lock on the gate in order to gain access to the property. Nothing in the record indicates that any stay of the prior decisions of the bankruptcy court had been issued.

The jurisdiction and proper orders of a federal court must be obeyed. There is nothing in this record to indicate that the bankruptcy court has acted improperly at any time throughout this proceeding, that the federal district court has acted erroneously or with an abuse of discretion. Appellant became bankrupt. The proper sale of assets which he owed was carried out. Claims of harassment and bad faith are unsupported in the record. The property in question having been correctly sold by the trustee in bankruptcy, the property no longer belongs to the appellant. Appellant's attempts to exercise continuing claim of ownership and control over the property are an harassment to the owner. The district court was properly within its jurisdiction in enjoining these activi-

ties which were in defiance of the decisions of the court. The district court properly exercised its discretion in affirming. In turn, we affirm.

AFFIRMED.

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 84-1686
Summary Calendar

LAVOYD WAYNE HARDIN, a/k/a
BILL HARIN, (sic) Debtor

LAVOYD WAYNE HARDIN, a/k/a
BILL HARDIN,

Plaintiff-Appellant,

versus

GILBERT & COLVIN,

Defendant-Appellee.

Appeal from the United States District
Court for the Northern District of Texas

(February 24, 1986)

Before REAVLEY, HIGGINBOTHAM, and HILL,
Circuit Judges.

PER CURIAM:*

*Local Rule 47.5 provides: "The publica-
tion of opinions that have no preceden-

tial value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the court has determined that this opinion should not be published.

This is the sixth time that appellant, Lavoyd Wayne "Bill" Hardin has perfected an appeal in a matter relating to his bankruptcy estate. See Hardin v. Hardin, No. 84-1250 (5th Cir. May 24, 1984) (dismissed for failure to file briefs); Hardin v. Hardin, No. 84-1037 (5th Cir. Aug. 22, 1984) (per curiam); Hardin v. McMaster, No. 84-1396 (5th Cir. Sept. 26, 1984) (per curiam); Hardin v. McMaster, No. 84-1614 (5th Cir. Dec. 20, 1984) (per curiam); Hardin v. Arthur, No. 84-1615 (5th Cir. Dec. 20, 1984) (per curiam). In the instant appeal Hardin appeals from an order by

the bankruptcy court granting an interim award to the Trustee for attorney's fees, commission and expenses. Hardin's challenge to this award is based on allegations that the trustee, his attorneys, and other have deprived him of "his constitutional right, his life's sweat and labor and ever asset that he has accumulated." This court in prior holdings has determined that these allegations are without legal merit. Finding Hardin's claim to have no conceivable foundation in fact or law we dismiss the appeal. See Windsor v. Pan American Airways, 744 F.2d 1187 (5th Cir. 1984).

Appeal DISMISSED.

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT
CA4-85-342-E

No. 85-1726
Summary Calendar

LAVOYD WAYNE HARDIN,
a/k/a BILL HARDIN,

Plaintiff-Appellant,

versus

GILBERT & COLVIN,

Defendant-Appellee.

Appeal from the United States District
Court for the Northern District of Texas

(March 17, 1986)

Before RUBIN, JOHNSON, and JONES,
Circuit Judges.

PER CURIAM:

The judgment of the district court
is AFFIRMED. See Local Rule 47.6.

Appellant has previously submitted numerous frivolous appeals to this Court. While this Court will not exercise its discretion to impose sanctions on this appeal, further abuse of the appellate process will not be tolerated.

Therefore, appellee's motion for sanctions is DENIED. See Fed. R. App. P. 38.

Costs on appeal are taxed against plaintiff-appellant.

ISSUED AS MANDATE: APR 10, 1986

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D.C. 20543

October 6, 1986

Mr. Joseph Colvin
Gilbert & Colvin
1035 InterFirst Tower
Fort Worth, TX 76102

Re: Lavoyd Wayne "Bill" Hardin,
v. Gilbert & Colvin
No. 85-2135

Dear Mr. Colvin:

The Court today entered the
following order in the above entitled
case:

The Petition for a writ of cer-
tiorari is denied. Justice Scalia took
no part in the consideration or decision
of this petition.

Very truly yours,

Joseph F. Spaniol, Jr., Clerk

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

NO. 86-1545
Summary Calendar

D. C. DOCKET NO. CA-4-86-493-K

In the Matter of:
LAVOYD W. "BILL" HARDIN, Debtor.

LAVOYD WAYNE "BILL" HARDIN,

Plaintiff-Appellant,

versus

CLIFFORD F. McMASTER,

Defendant-Appellee.

Appeal from the United States District
Court for the Northern District of Texas
Before RUBIN, RANDALL, and HIGGINBOTHAM,
Circuit Judges.

J U D G M E N T

This cause came on to be heard on
the record on appeal and was taken under
submission on the briefs on file.

ON CONSIDERATION WHEREOF, It is now
here ordered and adjudged by this Court
that the appeal in this cause is hereby
dismissed for want of jurisdiction.

IT IS FURTHER ORDERED that
plaintiff-appellant pay to defendant-
appellee the costs on appeal, to be taxed
by the Clerk of this Court.

November 20, 1986

ISSUED AS MANDATE: December 12 1986

No. 85-2135

In The
SUPREME COURT OF THE UNITED STATES
October Term, 1986

LAVOYD WAYNE "Bill" HARDIN

Petitioner.

v.

GILBERT & COLVIN

Respondent.

PETITION FOR WRIT OR CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Lavoyd Wayne "Bill" Hardin pro se SE

Lavoyd Wayne "Bill" Hardin, pro se

Route 1, Box 127A

DeLeon, Texas 76444

Telephone: (817) 893-2686

QUESTIONS
PRESENTED FOR REVIEW

1. Whether the Bankruptcy Court, The United States District Court, and the Fifth Circuit Court is guilty of a conspiracy to Defraud.

2. Whether the petitioner was denied due process of law under the United States Constitution, and the Texas Constitution.

3. Whether the petitioner was denied his homestead, and his business homestead rights under Article 16, Section 50 and 51 of the Texas Constitution.

4. Whether J. A. Hardin is the only legal owner of this property.

5. Whether the Fifth Circuit Court abused its discretion by not ruling the Bankruptcy Court and the United States District Court denied petitioner and J. A. Hardin the right to have the assistance of counsel for their defense.

6. Whether the Fifth Circuit Court abused its discretion by not ruling the Trustee, the Bankruptcy Judge and the United States District Judge was compelled to accept full tender payment.

7. Whether the Fifth Circuit Court abused its discretion by not ruling the Bankruptcy Judge and the United States District Judge cannot take the State of Texas land as one of the petitioner's assets.

8. Whether the Fifth Circuit Court abused its discretion by not ruling the 220th District Judge Andrew Campbell was prejudice.

9. Whether the Fifth Circuit Court abused its discretion by not ruling the three Orders signed November 7, 1983 was a forgery.

10. Whether St. Clair Newbern, III owes petitioner Eighteen Hundred Dollars.

11. Whether the United States District Court abused its discretion by not going through proper Judicial procedure by holding petitioner and J. A. Hardin's trial on the same day that the bankruptcy court held the trial.

12. Whether the Fifth Circuit Court abused its discretion by not ruling the Bankruptcy Court errored in trying to break petitioner's contract with the Veterans' Land Board of the State of Texas.

13. Whether the Fifth Circuit Court abused its discretion by not ruling that the Bankruptcy Court and the United

States District Court erred in granting to petitioner's ex-wife, Joan M. Hardin Foster, too much damages in a Chapter 13 case and awarding too much money to Gilbert & Colvin for attorney's fees.

14. Whether the Fifth Circuit Court abused its discretion by not ruling the Bankruptcy Judge and the United States District Judge abused their discretion by not ruling that the deed from the Veterans' Land Board to J. A. Hardin was valid and the Bankruptcy Judge, Trustee, and the United States District Judge was compelled to accept full tender payment from petitioner and J. A. Hardin.

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In The
SUPREME COURT OF THE UNITED STATES
October Term, 1986

No. _____

LAVOYD WAYNE "Bill" HARDIN,

Petitioner.

v.

GILBERT & COLVIN

Respondent.

PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

The petitioner, Lavoyd Wayne "Bill" Hardin, respectfully prays that a writ of certiorari issue to review the judgment of the United States Court of Appeals for the Fifth Circuit entered on February 24th, 1986 and March 17th, 1986.

OPINION BELOW

The Fifth Circuit Court of Appeals, Case No. 85-1686 and Case No. 85-1726 involve identical or closely related

questions that this petition covers the two cases (See Rule 19.4).

The Fifth Circuit Court of Appeals dismissed Case No. 85-1686, a copy is attached as Appendix A.

The Fifth Circuit Court of Appeals affirmed U. S. District Court in Case No. 85-1726, a copy is attached as Appendix B.

JURISDICTION

On February 24th, 1986, a panel of three Judges of the Fifth Circuit Court of Appeals dismissed Case No. 85-1686 (See Appendix A.).

On March 17th, 1986, a panel of three Judges of the Fifth Circuit Court of Appeals in Case No. 85-1726, affirmed the U. S. District Court's Judgment. (See Appendix B.)

The Jurisdiction of this court is invoked under the provisions of the 5th, 6th and 14th Amendments of the United States Constitution and Article 1, Section 19, Article 1, Section 11, Article 16, Section 49-50 and 51 of the Texas Constitution and Article 3996, Vernon's Annotated Civil Statutes in Texas Law.

CONSTITUTIONAL PROVISION INVOLVED

The United States Constitution Amendments 5, 6 and 14th.

Texas Constitution: Article 1, Section 19; Article 5, Section 11; Article 16, Section 49-50 and 51.

The 5th and 14th Amendments: Nor shall any person . . . be deprived of life, liberty, or property, without due process of law. . . . The 6th Amendment is everyone has the right to have the assistance of counsel for his defense. Article 1, Section 19: Nor shall any person . . . be deprived of life, liberty, or property, without due course of law . . .

Article 5, Section 11: Disqualification of Judges; No Judge shall sit in any case when he shall have been counsel in the case.

Article 16, Section 49: Exemptions From Forced Sales—The Legislature shall have power, and it shall be its duty, to protect by law from forced sale a certain portion of the personal property of all heads of families, and also of unmarried adults, male and female.

Article 16, Section 50: No mortgage, trust deed, or other lien on the homestead shall ever be valid.

Article 16, Section 51: Homestead Defined.—provided,

that the same shall be used for the purposes of a home, or as a place to exercise the calling or business of the homestead claimant, whether a single adult person, or the head of a family, provided also, that any temporary renting of the homestead shall not change the character of the same.

STATEMENT OF THE CASE

On February 24th, 1986 and March 17th, 1986, a panel of the Fifth Circuit Court of Appeals dismissed and affirmed Case No. 85-1686 and Case No. 85-1726 without taking in consideration the 220th District Court Judge Andrew Campbell of Comanche, Texas was prejudice toward petitioner for firing him as counselor earlier. The Fifth Circuit Court of Appeals did not take into consideration that the Court of Civil Appeals for the Eleventh Supreme Judicial District of Texas at Eastland, Texas, ruled that Judge Andrew Campbell abused his discretion by denying petitioner's constitutional right by hearing this case and denying petitioner's right to call witnesses in petitioner's behalf. (584 South Western Reporter, 2d Series, 384) The Fifth Circuit Court did not rule that the Texas Supreme Court could not hear this case until petitioner had his new trial that the Court of Civil Appeals for the Eleventh Supreme Judicial District of Texas

ruled that petitioner had a constitutional right to a new trial. The Fifth Circuit Court abused its discretion by not ruling that the Bankruptcy Court and the United States District Court had no jurisdiction over the Veterans Land Board and the State of Texas property. The Fifth Circuit Court abused its discretion by not ruling that the United States District Judge, Eldon B. Mahon abused his discretion by forcing J. A. Hardin under duress and undue influence to sign over his deed and grant from the Veterans' Land Board and the State of Texas and taking away all of petitioner's assets. The Fifth Circuit Court abused its discretion by not ruling that Gilbert and Colvin is part of the conspiracy to deprive petitioner of all his assets. The Fifth Circuit Court abused its discretion by not ruling that the Trustee, the Bankruptcy Judge and the United States District Judge was compelled to accept full tender payment from petitioner and J. A. Hardin.

REASON FOR GRANTING THE WRIT

When petitioner is denied his constitutional right of due process of law under both the United States Constitution and the Texas Constitution

Petitioner has been the Victim in the past ten years by numerous Judicial errors and has been victimized in the States and Federal Courts. The Supreme Court, in the Clarence Gideon, held unanimously that he had the right to counsel.

The Supreme Court ruled in the Scottsbore case that counsel must be supplied if the results could be a prison sentence whatever the label attached to the misconduct, (also see the Case of Argisinger v. Hamlin).

CONCLUSION

For the foregoing reasons, petitioner, Lavoyd Wayne "Bill" Hardin, respectfully requests that a writ of certiorari issue to review the judgment of the United States Court of Appeals for the Fifth Circuit.

Respectfully Submitted,

Lavoyd Wayne "Bill" Hardin
Lavoyd Wayne "Bill" Hardin

Rt. 1, Box 127A

DeLeon, Texas 76444

Telephone: (817) 893-2686

Dated: 12th May, 1986.

In The
SUPREME COURT OF THE UNITED STATES
October Term, 1986

No. _____

LAVOYD WAYNE "Bill" HARDIN

Petitioner.

v.

GILBERT & COLVIN

Respondent.

PROOF OF SERVICE

State of Texas Ø
 Ø
County of Comanche Ø

I, Lavoyd Wayne "Bill" Hardin, after being duly sworn, deposes and says that pursuant to Rule 28.3 of this court, he served the within petition For Writ of Certiorari To The Court of Appeals For The Fifth Circuit or Counsel for the Respondent and all interested parties named in this petition below by enclosing a copy thereof in an envelope, first class postage prepaid, mailed at DeLeon, Texas, addressed to:

Gilbert and Colvin, 1035 InterFirst Tower,
Fort Worth, Texas 76102

Clifford F. McMaster, 307 Capital National Bank
Building, Fort Worth, Texas 76102

J. A. Hardin, Route One,
Fayetteville, Tennessee 37334

Ben Sudderth and Keith Woodley of Sudderth,
Woodley and Dudley, 109 West Grand,
Comanche, Texas 76442

St. Clair Newbern, III, 1116 River Plaza Tower,
1701 River Run Road, Fort Worth, Texas 76107

Joan M. Hardin Foster, 904 Burleson Street,
DeLeon, Texas 76444

Roy Hufstutler, 1001 North Houston Street,
Comanche, Texas 76442

James Robert Arthur, W. Highland,
Comanche, Texas 76442.

Signed this 12th day of May, 1986.

Lloyd W. Bill Hardin
Lloyd W. Bill Hardin

Route 1, Box 127A

DeLeon, Texas 76444

Phone No. (817) 893-2686

Subscribed and Sworn to Before Me, this 12th day of May, 1986

Delta C. C. C. (DELTA C. C. C.)
Notary Public in and For
Comanche County, State of Texas

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 85-1686

Summary Calendar

LAVOYD WAYNE HARDIN, a/k/a
BILL HARIN, Debtor

LAVOYD WAYNE HARDIN, a/k/a
BILL HARDIN,

Plaintiff-Appella

versus

GILVERT & COLVIN,

Defendant-Appellee

Appeal from the United States District Court for the
Northern District of Texas

(February 24, 1986)

Before REAVLEY, HIGGINBOTHAM, and HILL, Circuit Judges.

PER CURIAM:*

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession. Pursuant to that Rule, the court has determined that this opinion should not be published."

RH
2-17-86
PSH
2-18-86

DMR
2-21-86

APPENDIX

This is the sixth time that appellant, Lavoyd Wayne "Bill" Hardin, has perfected an appeal in a matter relating to his bankrupt estate. See Hardin v. Hardin, No. 84-1250 (5th Cir. May 24, 1984) (dismissed for failure to file briefs); Hardin v. Hardin, No. 84-1037 (5th Cir. Aug. 22, 1984) (per curiam); Hardin v. McMaster, No. 84-1396 (5th Cir. Sept. 26, 1984) (per curiam); Hardin v. McMaster, No. 84-1614 (5th Cir. Dec. 20, 1984) (per curiam); Hardin v. Arthur, No. 84-1615 (5th Cir. Dec. 20, 1984) (per curiam). In the instant appeal Hardin appeals from an order by the bankruptcy court granting an interim award to the Trustee for attorney's fees, commission and expenses. Hardin's challenge to this award is based on allegations that the trustee, his attorneys, and other have deprived him of "his constitutional right, his life's sweat and labor and every asset that he has accumulated." This court in prior holdings has determined that these allegations are without legal merit. Finding Hardin's claim to have no conceivable foundation in fact or law we dismiss the appeal. See Windsor v. Pan American Airways, 744 F.2d 1187 (5th Cir. 1984).

Appeal DISMISSED.

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 85-1726
Summary Calendar

LAVOYD WAYNE HARDIN,
a/k/a/ BILL HARDIN,

Plaintiff-Appellant,

versus

GILBERT & COLVIN,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas

(March 17, 1986)

Before RUBIN, JOHNSON, and JONES, Circuit Judges.

PER CURIAM:

The judgment of the district court is AFFIRMED. See Local
Rule 47.6. Appellant has previously submitted numerous frivolous
appeals to this Court. While this Court will not exercise its
discretion to impose sanctions on this appeal, further abuse of
the appellate process will not be tolerated. Therefore,
appellee's motion for sanctions is DENIED. See Fed. R. App. P.
38.

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APPENDIX

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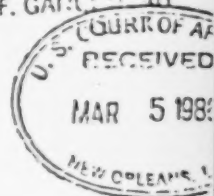
U.S. COURT OF APPEALS
FILED

MAR 5 1986

In The United States Court of Appeals
For The Fifth Circuit

GILBERT F. GAINES

No. 95 - 1686



Lavoyd Wayne "Bill" Hardin,

plaintiff - Appellant,

Versus

Gilbert & Colvin,

Defendant - Appellee

Notice of Appeal

I, Lavoyd Wayne "Bill" Hardin, pro-se, appeal Case No. 95 - 1686, to the Supreme Court of the United States of America in Washington, D. C.

Signed this 3rd day of March, 1986.

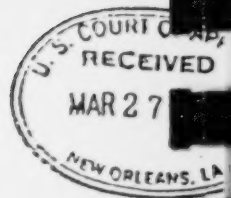
Lavoyd Wayne "Bill" Hardin

Lavoyd Wayne "Bill" Hardin
Route 1, Box 127A
Le Leon, Texas 76444
Phone No. (817) 893-2686

U.S. COURT OF APPEALS
FIFTH CIRCUIT

MAR 27 1986

GILBERT R. GONZALEZ
CLERK



In The United States Court of App^l
For The Fifth Circuit

No. 85-1726

Lavoyd Wayne "Bill" Hardin,

plaintiff-Appellant,

Versus

Gilbert & Colvin,

Defendant-Appellee

Notice of Appeal

I, Lavoyd Wayne "Bill" Hardin, pro-se, appeal Case
No. 85-1726, to the Supreme Court of the United States
of America in Washington, D. C.

Signed this 24th day of March, 1986.

Lavoyd Wayne "Bill" Hardin
Lavoyd Wayne "Bill" Hardin
Route 1, Box 127A
DeLeon, Texas 76444
Phone No. (817) 893-2686

BEST AVAILABLE

No. 85-1324

In The
SUPREME COURT OF THE UNITED STATES
October Term, 1987

LAVOYD WAYNE "Bill" HARDIN

Petitioner.

v.

CLIFFORD F. MCMASTER

Respondent.

PETITION FOR WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Lavoyd Wayne "Bill" Hardin
Lavoyd Wayne "Bill" Hardin, pro
se

Route 1, Box 127A
DeLeon, Texas 76444
Telephone: (817) 893-2686

ABLE COPY

QUESTIONS
PRESENTED FOR REVIEW

1. Whether the Bankruptcy Court, The United States District Court, and the Fifth Circuit Court is guilty of a conspiracy to Defraud.

2. Whether the petitioner was denied due process of law under the United States Constitution, and the Texas Constitution.

3. Whether the petitioner was denied his homestead, and his business homestead rights under Article 16, Section 50 and 51 of the Texas Constitution.

4. Whether J. A. Hardin is the only legal owner of this property.

5. Whether the Fifth Circuit Court abused its discretion by not ruling the Bankruptcy Court and the United States

District Court denied petitioner and J. A. Hardin the right to have the assistance of counsel for their defense.

6. Whether the Fifth Circuit Court abused its discretion by not ruling the Trustee, the Bankruptcy Judge and the United States District Judge was compelled to accept full tender payment.

7. Whether the Fifth Circuit Court abused its discretion by not ruling the Bankruptcy Judge and the United States District Judge cannot take the State of Texas land as one of the petitioner's assets.

8. Whether the Fifth Circuit Court abused its discretion by not ruling the 220th District Judge Andrew Campbell was prejudice.

9. Whether the Fifth Circuit Court abused its discretion by not ruling the three Orders signed November 7, 1983 was a forgery.

10. Whether St. Clair Newbern, III owes petitioner Eighteen Hundred Dollars.

11. Whether the United States District Court abused its discretion by not going through proper Judicial procedure by holding petitioner and J. A. Hardin's trial on the same day that the bankruptcy court held the trial.

12. Whether the Fifth Circuit Court abused its discretion by not ruling the Bankruptcy Court errored in trying to break petitioner's contract with the Veterans' Land Board of the State of Texas.

13. Whether the Fifth Circuit Court abused its discretion by not ruling

that the Bankruptcy Court and the United States District Court erred in granting to petitioner's ex-wife, Joan M. Hardin, Foster, too much damages in a Chapter 13 case and awarding too much money to Gilbert and Colvin for attorney's fees.

14. Whether the Fifth Circuit Court abused its discretion by not ruling the Bankruptcy Judge and the United States District Judge abused their discretion by not ruling that the deed from the Veteran's Land Board to J. A. Hardin was valid and the Bankruptcy Judge, Trustee, and the United States District Judge was compelled to accept full tender payment from petitioner and J. A. Hardin.

15. Whether the United States District Judge, Eldon B. Mahon used duress and undue influence when he threat-

ened to put J. A. Hardin in jail if J. A. Hardin did not sign his deed over to Clifford F. McMaster, when J. A. Hardin had full tender payment in hand.

16. Whether St. Clair Newbern betrayed the trust of petitioner as his attorney.

17. Whether St. Clair Newbern betrayed his oath as a federal attorney.

18. Whether St. Clair Newbern betrayed the law and petitioner by entering petitioner business homestead in a Chapter (13) thirteen bankruptcy case.

19. Whether Judge John Flowers betrayed his oath of office by allowing the Veterans Land Board property to be entered in this Chapter (13) thirteen case.

20. Whether Judge John Flowers, Judge Michael A. McConnell, Judge David

O. Belew, and Judge Eldon B. Mahon abused their oath to their high office by defying Article VI, Clause (2) of the United States Constitution.

21. Whether Clifford F. McMaster was legally appointed trustee in a Chapter (13) thirteen case.

22. Whether Judge John Flowers was within the law when he converted the Chapter (13) thirteen case to a Chapter (7) Seven case.

23. Whether Judge John Flowers, Judge Michael A. McConnell, Judge David O. Belew, Judge Eldon B. Mahon, Gilbert and Colvin, St. Clair Newbern, III, and Clifford F. McMaster is guilty of a conspiracy to commit fraud for the purpose of enrichment.

24. Whether Clifford F. McMaster misapplied fiduciary property.

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<u>Hardin v. Hardin</u> , 584 South Western Reporter (2d) Series 384 1979 . .	
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Vernon's Annotated Civil Statutes in Texas Law Article 3996	

In The
SUPREME COURT OF THE UNITED STATES
October Term, 1987

NO. _____

LAVOYD WAYNE "Bill" HARDIN

Petitioner

v.

CLIFFORD F. MCMASTER

Respondent

PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

The petitioner, Lavoyd Wayne "Bill" Hardin, respectfully prays that a writ of Certiorari be issued to review the judgment of the United States Court of Appeals for the Fifth Circuit entered on November 20, 1986.

OPINION BELOW

The fifth Circuit Court of Appeals was right when they said they lack jurisdiction in this case, in fact no State Court, or Federal Court had jurisdiction over all the cases, that petitioner has been forced to defend in the past eleven years, but the Supreme Court of the United States has jurisdiction over all these cases, and can straighten out this mess.

JURISDICTION

Article 111, Section 2. (1)

CONSTITUTIONAL PROVISION INVOLVED

Article VI (2) Amendments 5, 6 and 14th of the United States Constitution

Article 1. Section 19; Article 5, Section 11; Article 16, Section 49-50 and 51, of the Texas Constitution.

STATEMENT OF THE CASE

Petitioner, Lavoyd Wayne "Bill" Hardin filed this case for damages against

Clifford F. McMaster, respondent, for misapplication of fiduciary property in the 220th District Court, Comanche County, Texas, where petitioner lives, respondent had no jurisdiction over this property, the state and federal judges or courts had no jurisdiction over this property, this property belonged to the Veterans Land Board of the State of Texas, which petitioner being an honorable discharged Veteran of the United States of America Armed forces, had a valid contract.

CONCLUSION OF LAW

By the letter of the law; for a contract to be binding and enforceable, it must fulfill four legal requirements; mutual assent or consent, competent parties lawful consideration, and valid subject matter.

A contract that meets these requirements and has been fully executed on both sides will not be disturbed by the courts

and the courts has no jurisdiction over this contract when both parties are in full agreement.

REASON FOR GRANTING THE WRIT

When petitioner denied his constitutional right of due process of law under both the United States Constitution and the Texas Constitution.

Petitioner has been the victim in the past eleven years by numerous judicial errors and has been victimized in the States and Federal Courts. The Supreme Court, in the Clarene Gideon, held unanimously that he had the right to counsel.

The Supreme Court ruled in the Scottsboro case that counsel must be supplied if the results could be a prison sentence whatever the label attached to the misconduct, (also see the case of *Argsinger v. Hamlin*).

CONCLUSION

For the foregoing reasons, petitioner, Lavoyd Wayne "Bill" Hardin, respectfully requests that a writ of certiorari issue to review the judgement of the United States Court of Appeals for the Fifth Circuit.

Respectfully Submitted,

Lavoyd Wayne "Bill" Hardin
Lavoyd Wayne "Bill" Hardin

Rt. 1, Box 127A

DeLeon, Texas 76444

Telephone (817) 893-2686

Dated *February 2nd*, 1987.

AFFIDAVIT
PROOF OF SERVICE

I, Layoyd Wayne "Bill" Hardin, petitioner, hereby certify that a true and correct copy of this petition was mailed by first class to respondent's attorney, Gilbert and Colvin, 1035 InterFirst Tower, Fort Worth, Texas 76102. And all interested parties below:

Clifford F. McMaster, 307 Capital National Bank Building, Fort Worth, Texas 76102

J. A. Hardin, Route One, Fayetteville, Tennessee 37334

Ben Sudderth, 109 West Grand, Comanche, Texas 76442

St. Clair Newbern, III, 1116 River Plaza Tower, 1701 River Run Road, Fort Worth, Texas 76107

Joan M. Hardin Foster, 904 Burleson Street, DeLeon, Texas 76444

Roy Hufstutler, 1001 North Houston Street, Comanche, Texas 76442

James Robert Authur, W. Highland,
Comanche, Texas 76442

Signed this 2nd day of February,
1987.

Lavoyd Wayne "Bill" Hardin

Lavoyd Wayne "Bill" Hardin

Route 1; Box 127A

DeLeon, Texas 76444

Phone No. (817) 893-2686

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 86-1545
Summary Calendar

In the Matter of: LAVOYD W. "BILL"
HARDIN, Debtor, LAVOYD WAYNE "BILL"
HARDIN,

Plaintiff-Appellant

versus

CLIFFORD F. MCMASTER

Defendant-Appellee

Appeal from the United States Dis-
trict Court for the Northern
District of Texas
(Docket No. CA-4-86-493-K)

Before RUBIN, RANDALL, and HIGGINBO-
THAN, Circuit Judges.

PER CURIAM:

In this protracted bankruptcy
proceedings, Lavoyd Wayne "Bill" Har-
din, who has filed a number of pre-

vious appeals, now seeks to appeal a district court order denying remand of related proceedings to state court, from which the related proceedings had been removed pursuant to 28 U. S. C. 1452.

We lack jurisdiction to review an order denying remand. In re Rayburn Enterprises, Inc., 781 F. 2d 501 (5th Cir. 1986). This decision follows the command of U. S. C. 1452 (b), which expressly provides:

An order entered under this subsection remanding a claim or cause of action, or a decision to not remand, is not reviewable by appeal or otherwise.

While Hardin also now seeks to have this court review all of the prior proceedings in this matter, those proceedings have either been previously reviewed by us or are not reviewable because they are interlocutory.

of the United States Constitution.

Lavoyd Wayne "Bill" Hardin Pro

Lavoyd Wayne "Bill" Hardin, pro se
Route 1, Box 127A
DeLeon, Texas 76444

Phone No. (817) 893-2686

Affidavit
Proof of Service

I, Lavoyd Wayne "Bill" Hardin, certify that a copy of this Notice of Appeal under the penalty of perjury was mailed by First Class to Defendant Clifford F. McMaster's attorney, Gilbert & Colvin, 1035 InterFirst Tower, Fort Worth, Texas 76102, and all interested parties listed below:

Gilbert & Colvin, 1035 InterFirst Tower, Fort Worth, Texas 76102

Clifford F. McMaster, 307 Capital National Bank Building, Fort Worth, Texas 76102

J. A. Hardin, Route One, Fayetteville
Tennessee 37334

Ben Sudderth and Keith Woodley of
Sudderty, Woodley and Dudley 109 W.
Grand, Comanche, Texas 76442

St. Clair Newbern, III, 1116 River
Plaza Tower, 1701 River Run Road,
Fort Worth, Texas 76107

Joan M. Foster, 904 Burleson Street,
DeLeon, Texas 76444

Roy Hufstutler, 1001 N. Houston
Street, Comanche, Texas 76442

James Robert Arthur, W. Highland,
Comanche, Texas 76442

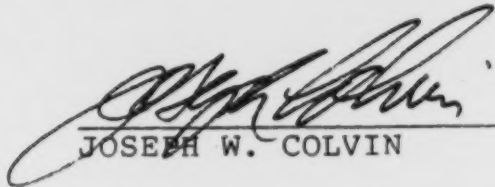
Signed this 16th day of December,
1986.

Lavoyd Wayne "Bill" Hardin
Lavoyd Wayne "Bill" Hardin

Filed December 19, 1986 in the U. S.
Court of Appeals for the Fifth
Circuit

CERTIFICATE OF SERVICE

I hereby certify that two copies of the foregoing have been served on all counsel of record, by mailing sets of same, on this 10 day of March, 1987.



JOSEPH W. COLVIN